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PTO/SB/30 (05-03)

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**Request  
For  
Continued Examination (RCE)  
Transmittal**Address to:  
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

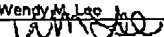
Application Number	09/705,579
Filing Date	11/2/00
First Named Inventor	Brian M. Fendly
Art Unit	1643
Examiner Name	Christopher H. Yaen
Attorney Docket Number	P1053R1D1

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- iii. ☐ Information Disclosure Statement (IDS)
- ii. ☐ Affidavit(s)/ Declaration(s)
- iv. ☒ Other Petition to Withdraw Recorded Terminal Disclaimer
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_
3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 07-0630
- a. ☒ RCE fee required under 37 CFR 1.17(e) 04/20/2006 TL0111 00000061 070630
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17) 01 FC:1001 790.00 DA
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

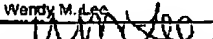
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Name (Print/Type)	Wendy M. Lee	Registration No. (Attorney/Agent)	40,378
Signature		Date	4-19-06

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Wendy M. Lee	Date	4-19-06
Signature			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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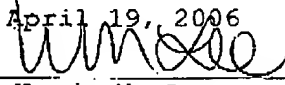
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APR 19 2006

Serial No.: 09/705,579

Patent Docket P1053R1D1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Brian M. Fendly Serial No.: 09/705,579 Filed: November 2, 2000 For: ANTI-ErbB2 ANTIBODIES	Group Art Unit: 1643 Examiner: Christopher Yaen Confirmation No. 5667 Customer No. 09157  Certificate of Facsimile Transmission Under 37 CFR § 1.8 In accordance with CFR § 1.6 (d), this correspondence addressed to Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 is being transmitted to facsimile No. (571) 273-8300  April 19, 2006  Wendy M. Lee
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AMENDMENT TO ACCOMPANY RCE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the Office Action mailed June 15, 2005, reconsideration of the present application is respectfully requested in view of the following amendments and remarks. A Notice of Appeal was filed on November 15, 2005. A request for a four month extension of time and the fee therefor accompany this amendment.

Please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 3 of this paper.